court a libel praying seizure and condemnation of 51 bottles of "Henry's Deep Rock Oil at Washington, D. C., alleging that the article was in the possession of the Washington Wholesale Drug Exchange, was being offered for sale in the District of Columbia, and that it was misbranded in violation of the Food and Drugs Act as amended. It was labeled in part: "Henry Evans, Washington, D. C."

Analysis of the article showed that it consisted essentially of a petroleum oil, a tar oil such as cade oil, methyl salicylate, turpentine oil, and cajeput oil.

The article was alleged to be misbranded in that the statements, "For the relief of pains in the Chest, Side or Back, Kidney Pains, Bladder Troubles, Coughs, * * * Sore Throat, Weak Lungs, Asthma (shortness of breath). * * * Swellings, * * * Sore Feet, and Rheumatism", borne on the label, falsely and fraudulently represented that the article was capable of producing the effects claimed in said statements.

On February 1, 1937, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26986. Adulteration and misbranding of tincture aconite. U. S. v. 1 Bottle and 10 Bottles of Tincture Aconite U. S. P. Default decree of condemnation and destruction. (F. & D. no. 38724. Sample no. 16942–C.)

The potency of this article was less than that required for tincture of aconite by the United States Pharmacopoeia.

On December 1, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on January 23, 1937, an amended libel, praying seizure and condemnation of 1 gallon bottle and 10 pint bottles of tincture of aconite at Saratoga Springs, N. Y., alleging that it had been shipped in interstate commerce on or about July 26, 1935, by the Wm. S. Merrell Co., from Cincinnati, Ohio, consigned to the G. F. Harvey Co., Saratoga Springs, N. Y., and that it was adulterated and in part misbranded in violation of the Food and Drugs Act.

The 1-gallon bottle of the article was labeled in part: "Tincture Aconite U. S. P. Tincture Aconite * * * Physiologically Standardized Manufactured and assayed July 1935 Caution—Apparent strength by assay subject to deterioration with time, especially after opening." The article in the ten 1 pint bottles, it was alleged, had been repacked by the G. F. Harvey Co., from other 1-gallon bottles labeled similarly and shipped and consigned to it.

It was alleged that the article in the one 1-gallon bottle and in the 10 pint bottles was adulterated (1) in that it was sold under a name recognized in the U. S. Pharmacopoeia, namely, tincture of aconite, it differed from the standard of strength as determined by the test laid down in said pharmacopoeia, and its own standard of strength was not stated on the container; and (2) in that it fell below the professed standard or quality under which it was sold, namely, "Tincture Aconite U. S. P.", in that it had a potency of 37.5 percent of the minimum requirement of the United States Pharmacopoeia for tincture of aconite. It was alleged that the article in the 1-gallon bottle was misbranded in that the statement on the label, "Tincture Aconate U. S. P.", was false and misleading in that it had a potency of 37.5 percent of the minimum requirement of the United States Pharmacopoeia for tincture of aconite.

On February 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26987. Adulteration and misbranding of Gay. U. S. v. 716 Packages of Gay. Default decree of condemnation and destruction. (F. & D. no. 38746. Sample no. 27977–C.)

This product bore no declaration of acetophenetidin on the outside of the tin container, an enclosed slip bore an erroneous declaration of acetophenetidin, and it was labeled with false and fraudulent curative and therapeutic claims.

On December 4, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 716 packages of Gay at Philadelphia, Pa., alleging that it had been shipped in interstate

commerce on or about October 23, 1936, by Strong Cobb & Co., Inc., from Cleveland, Ohio., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tablets containing 2.1 grains of acetylsalicylic acid, 1.7 grains of acetophenetidin, 0.25 grain of caffeine, and plant material including viburnum.

It was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely (on slip inside of tin box), "Each tablet contains 2 gr. Acetophenetidin", since it contained less than 2 grains of acetophenetidin per tablet.

The article was alleged to be misbranded in that the statement on the slip, "Each tablet contains 2 gr. acetophenetedin", was false and misleading, since it contained less than 2 grains of acetophenetidin. It was alleged to be misbranded for the further reason that the tin box containing it failed to bear a statement on the outside of the quantity or proportion of acetophenetidin, a derivative of acetanilid, that it contained. It was alleged to be misbranded further in that the following statements appearing in the labeling were statements regarding its curative or therapeutic effects and were false and fraudulent: (Wholesale carton) "Prompt Relief From Menstrual Pain For Relief from Menstrual Pain"; (retail tin) "For Prompt Relief of Menstrual Pain"; (leaflet) "A Specially Developed Formula Gay, perfected over a period of years and subjected to thousands of tests, bears unqualified endorsement and recommendation for relief in the treatment of menstrual pain due to normal causes. Gay contains no harmful drugs or narcotics—is non-habit forming—May be used with utmost confidence. Dose: One or two tablets taken with water. Repeat in one hour if necessary. (Note: Gay is not intended to cure menstrual disorders of long standing. Where the case is extremely stubborn or irregular, see your physician.) * * * is the modern way to relieve menstrual pain."

On January 12, 1937, no claimant having appeared judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26988. Adulteration and misbranding of Surgical Gauze Bandage and Surgical Gauze. U. S. v. 150 Cartons of Surgical Gauze Bandage and 150 Packages of Surgical Gauze. Default decree of condemnation and destruction. (F. & D. nos. 38779, 38780. Sample nos. 17435–C, 17437–C, 17438–C.)

These products were represented on the label to be sterile when they were not sterile, but were contaminated with viable aerobic and anaerobic bacteria.

On December 10, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cartons of an article labeled "Surgical Gauze Bandage" and 150 packages of another article, labeled "Surgical Gauze", at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about October 26, 1936, by Handy Pad Supply Co., from Worcester, Mass., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

The Surgical Gauze Bandage was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Surgical Gauze Bandage * * * Sterilized * * * This bandage has been carefully manufactured * * * for surgical use", in that the article was not sterile, but was contaminated with viable aerobic and anaerobic bacteria. Said article was alleged to be misbranded (1) in that the statements, "Surgical Gauze Bandage * * * Sterilized" and "This bandage has been carefully manufactured * * * for surgical use", borne on the label, were false and misleading in that it was not sterile and was not suitable for surgical use because it was contaminated with viable micro-organisms, and (2) in that the statement, "Guarantee Truss Co. 641 Amsterdam Avenue 3–4 E. 116th to 449 E. 149th Sts.", borne on the package, was false and misleading in that the name and address stated were not the name and address of the manufacturer of the article.

The Surgical Gauze was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Surgical Gauze * * * Sterilized", in that it was not sterile, but was contaminated with viable aerobic and anaerobic bacteria. Said article was alleged to be misbranded in that the statement, "Guarantee Surgical Gauze * * * Steri-